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Transportation Division

Washington Legislative Office

May 24, 2013

Filed Electronically

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th St N.W.
Washington, D.C. 20554

Re: WT Docket 13-85

Dear Secretary Dortch:

On behalf of the SMART-Transportation Division (formally the United Transportation Union), I am writing to urge the Commission to take whatever steps are necessary to efficiently and speedily make spectrum available to the Southern California Regional Rail Authority ("SCRRA") for use to provide positive train control ("PTC"). Making such spectrum available is clearly in the public interest.

Public safety must be a primary concern in the operation of our train systems, and robust, reliable, advanced telecommunications is a critical tool for insuring safe operations. Congress recognized this when it enacted the Rail Safety Improvement Act of 2008 ("RSIA"), which mandates development and implementation of PTC on "Class I" and passenger railroads by December 31, 2015. California stakeholders, including SCRRA, originally committed to installing PTC in Southern California by December 31, 2012, and now are committed to installing it as soon as possible.

I understand that in March of 2010, SCRRA filed an application at the FCC seeking approval to acquire spectrum from Maritime Communications/Land Mobile, LLC ("MCLM"), but that application still has not been acted on by the Commission. I am deeply concerned about this bureaucratic delay. To its credit, SCRRA has obtained, through an interim lease arrangement, other spectrum to facilitate at least partial, temporary compliance with the RSIA. But I understand that arrangement affords SCRRA less spectrum than is necessary for full compliance now, much less for future compliance as PTC-related spectrum needs increase. Moreover, that arrangement is temporary and terminable at the discretion of the lessor, which has its own present and future needs for the spectrum.

May 24, 2013
Page 2

Thus, in light of the public interest in maximizing rail safety in Southern California, as well as in allowing SCRRA and other carriers to comply with the mandates of the RSIA, I believe that the public interest would best be served by making spectrum available to SCRRA to use for the provision of PTC. I have no opinion as to whether the Commission should rely on its *Second Thursday* doctrine, or whether it should instead rely on the rationale in footnote 7 of the *Hearing Designation Order* in the proceeding that designated the SCRRA/MCLM application for hearing. I do, however, urge the Commission to use whatever approach would most speedily and efficiently result in an assignment to SCRRA of the spectrum it seeks.

As we learned from the tragic incident in Chatsworth, California in 2008, we cannot afford to wait any longer to implement the lifesaving technology of PTC on our busy commuter-freight rail corridors. Thank you for your attention on this important issue.

Sincerely yours,

A handwritten signature in blue ink, reading "James A. Stem, Jr." in a cursive style.

James A. Stem, Jr.
National Legislative Director

Cc: M.B. Futhey, Jr., President
Michael P. DePallo, Chief Executive Officer, SCRRA